

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

MEDRIC AYPHE (#487663),  
Plaintiff

CIVIL ACTION NO. 1:17-CV-137-P

VERSUS

CHIEF JUDGE DRELL

JIMMY LEBLANC, ET AL.,  
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

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**REPORT AND RECOMMENDATION**

Before the Court is the civil rights complaint (42 U.S.C. § 1983) of pro se Plaintiff Medric Ayche (“Ayche”) (#487663). Ayche has been granted leave to proceed *in forma pauperis*. (Doc. 8). At the time of filing, Ayche was an inmate in the custody of the Louisiana Department of Corrections (“DOC”), incarcerated at Winn Correctional Center in Winnfield, Louisiana (“WCC”). Ayche has since been released. (Doc. 10).

Ayche was ordered to amend his complaint by May 8, 2017, to provide additional factual allegations to support his complaint. (Doc. 9). Ayche has not complied with the Court’s order.

A district court may dismiss an action for a plaintiff’s failure to prosecute or to comply with any order. See Fed. R. Civ. P. 41(b). A court possesses the inherent authority to dismiss the action *sua sponte*, without motion by a defendant. Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962). “The power to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the [d]istrict [c]ourts.” Id. at 629-630.

Because Ayche has failed to comply with the Court's order, IT IS RECOMMENDED that Ayche's complaint be DISMISSED WITHOUT PREJUDICE pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Under the provisions of 28 U.S.C. § 636(b)(1)(c) and Fed.R.Civ.P. 72(b), parties aggrieved by this Report and Recommendation have fourteen (14) calendar days from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. No other briefs (such as supplemental objections, reply briefs, etc.) may be filed. Providing a courtesy copy of the objection to the undersigned is neither required nor encouraged. Timely objections will be considered by the District Judge before a final ruling.

Failure to file written objections to the proposed findings, conclusions, and recommendations contained in this Report and Recommendation within fourteen (14) days from the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Judge, except upon grounds of plain error.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this  
17th day of August, 2017.

A handwritten signature in black ink, appearing to read 'J.H.L. Perez-Montes', written over a horizontal line.

Joseph H.L. Perez-Montes  
United States Magistrate Judge